



Docket No.: 247826US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

(EW)

OBLON
SPIVAK
McCLELLAND
MAIER
&
NEUSTADT
P.C.

RE: Application Serial No.: 10/762,265

Applicant: Katsuhiko MAEDA

Filing Date: January 23, 2004

For: METHOD AND APPARATUS FOR OPTICAL
RECORDING AND IMAGE FORMING
CAPABLE OF CORRECTING A
MAGNIFICATION ERROR IN SCANNING

Group Art Unit: 2861

ATTORNEYS AT LAW

GREGORY J. MAIER
(703) 413-3000
GMAIER@OBLON.COM

CHRISTOPHER D. WARD
SENIOR ASSOCIATE
(703) 413-3000
CWARD@OBLON.COM

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION OF SPECIES

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Gregory J. Maier

Registration No. 25,599

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Christopher D. Ward
Registration No. 41,367

DOCKET NO.: 247826US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

Katsuhiko MAEDA : EXAMINER: TRAN, H. H.

SERIAL NO: 10/762,265 :

FILED: January 23, 2004 : GROUP ART UNIT: 2861

FOR: METHOD AND APPARATUS :
FOR OPTICAL RECORDING
AND IMAGE FORMING
CAPABLE OF CORRECTING
A MAGNIFICATION ERROR
IN SCANNING

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

In response to the Election of Species requirement dated March 20, 2006, the Applicant provisionally elects with traverse the species of Group (ii) and identifies Claims 3-15 as readable on the provisionally elected species.

The Applicant respectfully traverses the election requirement based on MPEP § 803, which states:

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Application Serial No.: 10/762,265
Response to Election of Species Requirement dated March 20, 2006

The claims of the present invention would appear to be part of an overlapping search area.

Accordingly, the Applicants also respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-62 be conducted.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Attorney of Record

Christopher D. Ward
Registration No. 41,367

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

GJM:CDW:brf

I:\atty\cdw\24xxxx\247826US2\Election of Species.doc